

**CALIFORNIA ENERGY COMMISSION**

1516 Ninth Street Sacramento, California 95814

Main website: [www.energy.ca.gov](http://www.energy.ca.gov)**NOTICE OF PROPOSED ACTION****PROPOSED AMENDMENTS TO APPLIANCE  
EFFICIENCY REGULATIONS****California Code of Regulations, Title 20,  
Sections 1601 through 1608****CALIFORNIA ENERGY COMMISSION  
Docket Number 13-AAER-1****December 20, 2013****INTRODUCTION**

The Appliance Efficiency Regulations (Title 20, Sections 1601 – 1608 of the California Code of Regulations (CCR)) contain definitions, test procedures, labeling requirements, and efficiency standards for both federally-regulated and state-regulated appliances. Appliance manufacturers are required to certify to the California Energy Commission (Energy Commission) that their products meet all applicable State and federal regulations pertaining to efficiency before their products can be included in the Energy Commission's database of approved appliances, and for state-regulated appliances, sold or offered for sale in California. To provide manufacturers, retailers, and consumers of appliances with a clear and comprehensive set of requirements, in a single location, pertaining to regulated appliances sold or offered for sale in California, the Appliance Efficiency Regulations contain the efficiency standards and test procedures for both federally-regulated and State-regulated appliances.

**PROPOSED ADOPTION DATE**

The Energy Commission will hold a public hearing for consideration and possible adoption of the 45-Day Language on the following date and time unless the Energy Commission decides to modify the Express Terms through issuance of 15-Day Language.

Date: February 12, 2014  
10 a.m.  
California Energy Commission  
1516 Ninth Street  
First Floor, Hearing Room A  
Sacramento, California  
(Wheelchair accessible)

Audio for the February 12, 2014, adoption hearing will be broadcast over the internet.

If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916) 654-5146 at least 5 days in advance.

At this hearing, any person may present oral or written statements or arguments relevant to the proposed action. Interested persons may also submit written comments (see below).

## **PUBLIC COMMENT PERIOD/WRITTEN COMMENTS (Gov Code section 11346.5(a)(15))**

The public comment period for this Notice of Proposed Action will be from December 20, 2013 through and including February 3, 2014. Any interested person may submit written comments on the proposed amendments. Written comments will be accepted and considered for the Energy Commission adoption hearing if they are received by 5 p.m. on February 11, 2014. Written comments shall be e-mailed to [[Docket@energy.state.ca.us](mailto:Docket@energy.state.ca.us)] or mailed or delivered to the following address:

California Energy Commission  
Docket No. 13-AAER-1  
Docket Unit  
1516 Ninth Street, Mail Station 4  
Sacramento, California 95814-5504

All written comments must indicate Docket No. 13-AAER-1. When comments are e-mailed on behalf of an organization, the comments should be a scanned copy of the original on the organization's letterhead and include a signature of an authorized representative. Please copy [Harinder.Singh@energy.ca.gov](mailto:Harinder.Singh@energy.ca.gov).

## **AUTHORITY AND REFERENCE (Gov Code section 11346.5(a)(2))**

The Energy Commission proposes to adopt the amendments under the authority of Public Resources Code sections 25213, 25218(e), 25402(c)(1), and 25402.5. The proposed amendments implement, interpret, and make specific Public Resources Code section 25402.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW (Gov Code 11346.5(a)(3), 11346.5(a)(3)(A), 11346.5(a)(3)(B), 11346.5(a)(3)(C), 11346.5(a)(3)(D))**

### **Revisions and Updates Necessary for Consistency With Federal Law**

Under federal law no state regulation, or revision thereof, concerning the energy efficiency, energy use, or water use of a covered product shall be effective with respect to such covered product (See 42 U.S.C. § 6297(a)-(c) and 10 C.F.R. § 430.33(a).)

The Energy Commission's Appliance Efficiency Regulations include standards, definitions, test methods, and other requirements for federally regulated appliances and adopts reference to those standards that originate from the federal regulations that are located in the Code of Federal Regulations (CFR). The CFR underwent various amendments since the state last updated the federal section of the Appliance Efficiency Regulations in 2008. Definitions, test methods, and other requirements have been added or changed within the following sections, 10 C.F.R. 430, 10 C.F.R. 431 and 16 C.F.R. 305. Because of the wide ranging additions and changes to federal laws and regulations, the Energy Commission's Appliance Efficiency Regulations no longer reflect current federal standards and need to be updated. To maintain consistency with federal standards and regulations, a thorough review of updated federal standards and regulations was necessary. Since these changes are already federal law, or will be on a specific date in the near future, corrections to California regulations must be made to be consistent with the federal law.

The majority of the proposed regulation changes described in this document incorporate current effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

To address the scenario of federal repeal of a federal efficiency standard or test method, current state law, Title 20 section 1605(a)(2), provides for the status quo in the event that a federal standard is repealed. Each federal standard in Section 1605.1 is also adopted as California state law applicable to the sale and offer for sale of appliances in California, if the corresponding federal standard is repealed or becomes inoperable, inapplicable, or otherwise invalid as federal law. Immediately upon the effect of such federal repeal or invalidity the standard becomes effective as California state law. This current rulemaking makes no changes to section 1605(a)(2) and leaves this status quo provision in place. While the proposed changes reflect federal updates, these updates would become state law in the event that the federal standard is repealed.

## **Revisions and Updates to State Regulations**

A few proposed changes to state regulations are also included. These changes correct typographical and formatting errors, remove obsolete language, and clarify areas that have resulted in confusion among the regulated community. The state language changes ensure conformance with existing building and industry definitions relating to LED lamps to eliminate any conflict between the two sets of regulations, to modify the definition of “manufacturer” to provide greater compliance flexibility, and to simplify third party authorizations and submission procedures by updating them and eliminating unnecessary filings.

In addition, forklift battery chargers were inadvertently left out of the definition of regulated devices during a previous rulemaking, (OFFICE OF ADMINISTRATIVE LAW NOTICE FILE NUMBER Z-2011-0926-01) and this oversight is being corrected.

## **Specific Benefits of Proposed Amendments**

The specific benefits anticipated by the proposed amendments include increased clarity to the regulated community, harmonization between state and federal law, and improved ability of manufacturers and third parties to submit compliance filings while reducing the reporting burden on these entities.

## **Consistency with State Regulations**

The proposed amendments are not inconsistent or incompatible with existing state regulations. The Commission has looked into whether there are any related state regulations in this area and has determined that the only other state regulations related to appliance efficiency are in Title 24, Part 6, of the California Code of Regulations. The proposed amendments are intended to harmonize with these provisions in Title 24, Part 6, and are therefore neither inconsistent nor incompatible with existing state regulations.

## **LIST OF DOCUMENTS INCORPORATED BY REFERENCE (1 CCR 20(c)(3))**

The following represent documents incorporated by reference in the new federal standards which not already included in the state appliance efficiency regulations. The references are presented as found in federal standards which for some references do not include dates.

ANSI Z21.50	Vented Gas Fireplaces
ANSI Z21.88	Vented Gas Fireplace Heaters
IES LM-9-09	Electrical and Photometric Measurements of Fluorescent Lamps
NEMA MG1-1967	Motors and Generators
NEMA MG1-2009	Motors and Generators

NFPA 20 (2010)	Standard for the Installation of Stationary Pumps for Fire Protection
ANSI/NFPA 70 (2002)	National Electrical Code
EPA “External Power Supply International Efficiency Marking Protocol”	
ANSI C78.5	Standard for Electric Lamps – Specifications for Performance of Self-Ballasted Compact Fluorescent Lamps
IES LM-65	Life Testing of Compact Fluorescent Lamps

## **FEDERAL LAW (Gov Code 11346.2(c) and 11346.9)**

The majority of the proposed changes reflect changes to federal standards. The remaining changes are simply grammatical or formatting changes. None of the proposed changes conflict with federal law but ensure consistency with it.

## **LOCAL MANDATE (Gov Code 11346.5(a)(5))**

The proposed amendments will not impose a mandate on state or local agencies or school districts.

## **ECONOMIC AND FISCAL IMPACTS (Gov Code 11346.5(a)(6))**

The Energy Commission has made the following initial determinations relating to the economic and fiscal impacts of the proposed regulations which are consistent with the checking of box A-1 (h) on the Form 399 *Economic and Fiscal Impact Statement*. Box A-1 (h) indicates that there are no private sector cost impacts.

## **FISCAL IMPACT (Gov Code 11346.5(a)(6))**

**Costs Requiring Reimbursement.** The proposed amendments will not impose on local agencies or school districts any costs for which Government Code sections 17500 - 17630 require reimbursement.

**Cost or Savings in Federal Funding to the State.** The proposed amendments will not result in any costs or savings in federal funding to the state.

**Cost or Savings to State Agencies.** The proposed amendments will not result in any costs or savings to any state agency.

**Other Nondiscretionary Costs or Savings Imposed Upon Local Agencies.** The proposed amendments will not result in any other nondiscretionary costs or savings to local agencies.

## **EFFECT ON HOUSING COSTS (Gov Code 11346.5(a)(12))**

There will be no significant effect on housing costs. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California’s regulations, these changes do

not materially alter housing costs. Changes to the state portion of the regulations also will not have an effect on housing costs because the state only changes are clarifications of existing regulations.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES (Gov Code 11346.3(a), 11346.5(a)(7), 11346.5(a)(8) and 11346.2(b)(6))**

The Energy Commission has determined that there will be no significant statewide adverse economic, fiscal, or environmental impact directly affecting businesses, including small businesses, as a result of the proposed regulations, including the ability of California businesses to compete with businesses in other states because the majority of the proposed changes incorporate currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not create an adverse economic impact on business. Likewise, the state only changes remove obsolete language and clarify existing regulations and have no economic or fiscal impacts. The state language changes either ensure conformance with existing building and industry definitions relating to LED lamps, simplify third party authorizations and submissions or eliminate ambiguities in existing state regulations. For more details on the specific changes being proposed see the Statement of Reasons filed with this Notice.

**STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ANALYSIS: IMPACTS ON THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE; THE CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES; THE EXPANSION OF BUSINESSES IN CALIFORNIA; BENEFITS OF THE REGULATIONS (Gov Code 11346.5(a)(10))**

The proposed amendments will have no impact on jobs or existing businesses in California because the majority of the proposed changes mirror currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not create an adverse economic impact on business. Likewise, the state only changes remove obsolete language and clarify existing regulations and have no impact on jobs or business within the state. The simplification of the third party authorization and submissions process may slightly reduce some compliance costs as some annual submissions have been eliminated.

## **COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (Gov Code 11346.5(a)(9))**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There will be no significant cost impacts on businesses and individuals because the majority of the proposed changes reflect currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not create an adverse economic impact on representative persons or businesses. Likewise, the state only changes remove obsolete language and clarify existing regulations and have no cost impacts on private persons or business but may provide a slight reduction in compliance costs.

## **BUSINESS REPORTS (Gov Code 11346.5(a)(11) and 11346.3(d))**

The proposed changes would not require any additional mandatory data reporting beyond what is already required to be collected and reported to the federal government. The proposed changes would conform to the data that is presently collected by regulated manufacturers as required by federal standards. The changes to the state portion of the regulations may reduce compliance costs as some annual reports associated with third party data submissions have been eliminated.

## **SMALL BUSINESS (1 CCR 4(a) and (b))**

There will be no significant cost impacts on small businesses because the majority of the proposed changes reflect currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not create an adverse impact on small business. Likewise, the state only changes remove obsolete language and clarify existing regulations and have no cost impacts on small business. While some annual reports have been eliminated with the proposed changes to the state portion of the regulations, these reports are usually provided by larger manufacturers and not small businesses.

## **ALTERNATIVES INFORMATION (Gov Code 11346.5(a)(13))**

Before adopting the proposed regulations, the Energy Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the amendments are proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. In this case there is no alternative because the proposed changes reflect currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated

parties must comply with them regardless of California's regulations, alternatives that achieve the same statutory policy would be duplicative and unnecessary.

For the proposed changes to state only regulations, the Energy Commission is unaware of any alternative beyond the proposed changes removing the obsolete sections of the state regulations and clarifying ambiguities that have been identified. The state language changes ensure conformance with existing building and industry definitions relating to LED lamps, simplify third party authorizations and submissions or eliminate ambiguities in existing state regulations. Not making these changes will result in continued ambiguity and more burdensome compliance filings.

## **DESIGNATED CONTACT PERSONS (Gov Code 11346.5(a)(14))**

Please contact the following person, preferably by e-mail, for general information about the proceeding or to obtain any document relevant to the proceeding, including this document, the Express Terms, the Initial Statement of Reasons, the Form 399, and any other document in the rulemaking file:

Angelica Romo-Ramos  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-654-4147  
Fax: 916-654-4304  
E-mail: [Angelica.Romo@energy.ca.gov](mailto:Angelica.Romo@energy.ca.gov)

Please contact the following person, preferably by e-mail, for substantive questions:

Harinder Singh  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-654-4091  
Fax: 916-654-4304  
E-mail: [Harinder.Singh@energy.ca.gov](mailto:Harinder.Singh@energy.ca.gov)

The backup contact person for substantive questions is:

Kenneth Rider  
California Energy Commission  
1516 Ninth Street, Mail Station 25  
Sacramento, California 95814-5512  
Telephone: 916-654-5006  
Fax: 916-654-4304  
E-mail: [Ken.Rider@energy.ca.gov](mailto:Ken.Rider@energy.ca.gov)



Mr. Singh and Mr. Rider also can assist in obtaining documents and in answering general questions.

## **PUBLIC ADVISER**

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this rulemaking, please contact:

Alana Matthews, Public Adviser  
California Energy Commission  
1516 Ninth Street, Mail Station 12  
Sacramento, California 95814-5512  
Telephone: 916-654-4489  
Fax: 916-654-4493  
E-mail: [pao@energy.ca.gov](mailto:pao@energy.ca.gov)

## **NEWS MEDIA INQUIRIES**

News media inquiries should be directed to Media and Public Communications Office at (916) 654-4989, or by e-mail at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

## **AVAILABILITY OF THE TEXT OF THE PROPOSED AMENDMENTS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS (ISOR), AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE) (Gov Code 11346.5(a)(16))**

The first action to take to obtain documents in this rulemaking proceeding is to visit the Energy Commission's appliance efficiency website at:  
<http://www.energy.ca.gov/appliances/2014rulemaking/index.html>.

The website will have all of the documents prepared by the Energy Commission, including the Express Terms of the proposed amendments (written in plain English and set forth in a format that indicates both the existing text and the proposed text), the Initial Statement of Reasons, and all documents relied upon by the Energy Commission, as well as most of the other documents in the rulemaking file.

The Express Terms and the Initial Statement of Reasons are also available at no cost from the contact person, Angelica Romo-Ramos (see above).

The Energy Commission's Docket Office has available all of the documents in the rulemaking file; for copies, please contact:

Docket Office  
California Energy Commission  
1516 Ninth Street, MS 4  
Sacramento, California 95814-5504

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT (Gov. Code 11346.5(a)(18).)**

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the regulations as revised. Per section 44, title 1, of the California Code of Regulations, notice of any modified text will be submitted to (1) anyone who submits oral or written comments at the public hearing, (2) anyone who submits written comments to the Commission's docket, or (3) anyone who specifically requests notification of such modifications.

### **FINAL STATEMENT OF REASONS (Gov Code 11346.5(a)(19))**

The Energy Commission will prepare a Final Statement of Reasons on the amendments, responding to all relevant comments made during the proceeding. The Final Statement of Reasons will be available from the contact person named above and from the Docket Office, and will be posted on the Energy Commission's website.

### **INTERNET ACCESS (Gov Code 11346.4(a)(6) and 11346.5(a)(20))**

Documents prepared by the Energy Commission for this rulemaking, including this NOPA, the Express Terms, the ISOR, and most other documents in the rulemaking file, will be posted on the Energy Commission's website at: <http://www.energy.ca.gov/>.

**Note:** The California Energy Commission's formal name is the State Energy Resources Conservation and Development Commission.